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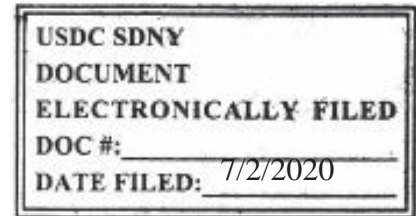
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June 15, 2020

Via ECF

Hon. Alison J. Nathan
United States District Court, Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Courtroom 906
New York, New York 10007

Re: *Braulio Thorne v. Chipotle Mexican Grill, Inc.*
Case No. 19-cv-9867 (AJN)



Dear Judge Nathan:

This firm, along with the law firm Martenson, Hasbrouck, & Simon LLP, represents Defendant Chipotle Mexican Grill, Inc. in the above-referenced action. We write jointly with Plaintiff's counsel to respectfully request that this matter continued to be stayed pending the ruling of the Second Circuit Court of Appeals' review of rulings on nearly identical issues. The Court previously granted the parties' joint request for a stay on the grounds that the issues in this action are being addressed in other actions (*see* Doc. No. 15).

As a brief background, within the last two months, courts in the Southern District of New York have granted motions to dismiss Braille gift card cases. *See Yovanny Dominguez v. Banana Republic, LLC*, U.S.D.C. S.D.N.Y. Case No. 1:19-cv-10171 (GHW) ("Banana Republic"); *James Murphy v. Kohl's Department Stores, Inc.*, U.S.D.C. S.D.N.Y. Case No. 1:19-09921 (GHW) ("Kohl's"). This instant action involves almost identical claims as those asserted in *Banana Republic* and *Kohl's*. Plaintiffs in *Banana Republic* and *Kohl's* have exercised their right to appeal from those rulings, and the Second Circuit ordered an expedited briefing schedule. Although we understand that the plaintiffs/appellants in *Banana Republic* and *Kohl's* intend to ask the Second Circuit to sever those appeals and withdraw the expedited briefing schedules, the Second Circuit's intent to rule on these same issues is inevitable.

As a result, Chipotle seeks, with Plaintiff's consent, a continued stay of the proceedings in this action pending the Second Circuit's rulings on the appeals in *Banana Republic* and *Kohl's*. A continued stay would conserve judicial resources and permit this Court to proceed at a future date with the benefit of guidance from the Court of Appeals. The parties further stipulate that Chipotle will have thirty (30) days from the date of the Second Circuit's decision in the *Banana Republic* and *Kohl's* appeals.

SO ORDERED.

6/22/2020



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We appreciate Your Honor's consideration of this request, and thank the Court for its time and attention to this matter.

Respectfully yours,

s/ Riyaz G. Bhimani

Riyaz G. Bhimani

Enclosures

cc: Jeffrey Gottlieb, Esq., Gottlieb & Associates, Plaintiff's Counsel (By ECF)
Betsy Bulat Turner, Esq., Martenson, Hasbrouck, & Simon LLP (by e-mail)
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